

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ESLEY DEE CORNEILUS, III,

Plaintiff,

v.

MISSOURI DEPARTMENT OF
CORRECTION PRISON OFFICIAL, et al.,

Defendants.

No. 4:22-CV-595 ACL

MEMORANDUM AND ORDER

Plaintiff Esley Dee Cornelius, III initiated this action by filing a complaint under 42 U.S.C. § 1983 on June 1, 2022. ECF No. 1. In the ‘Statement of Claim’ section of that complaint, Plaintiff wrote: “will be filing admended [sic] complaint.” *Id.* at 9. It is unclear from Plaintiff’s complaint whether he intends to file an amended complaint at this point in the proceeding or if he is simply alerting the Court that he will file an amended complaint once the names of John Doe defendants are discovered. Due to the pending motion to proceed *in forma pauperis* (ECF No. 2), Plaintiff’s pleadings will be reviewed by the Court under 28 U.S.C. § 1915 for frivolousness, maliciousness and/or failure to state a claim. As such, the Court will direct Plaintiff to file an amended complaint, if he so chooses, within thirty (30) days of the date of this Order, for review by the Court.

Furthermore, Plaintiff is advised that the filing of an amended complaint **completely replaces** the original complaint, and so it must include all claims Plaintiff wishes to bring. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (“It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect”). Any claims from the original complaint or any supplements that are not included in the amended complaint will be deemed abandoned and will not be considered.

Id. Plaintiff must **type or neatly print** the amended complaint on the Court-provided prisoner civil rights complaint form, and the amended complaint must comply with the Federal Rules of Civil Procedure. *See* E.D. Mo. L.R. 2.06(A). The Court will direct the Clerk of Court to send Plaintiff a blank form complaint so that he may file an amended complaint.

Accordingly,

IT IS HEREBY ORDERED that if Plaintiff wishes to file an amended complaint for review by this Court under 28 U.S.C. § 1915, such amended complaint shall be filed within **thirty (30) days** of the date of this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a blank Prisoner Civil Rights Complaint form.

Dated this 21st day of June, 2022.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE